

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

J.B. HUNT TRANSPORT, INC.,

Plaintiff,

v.

Case No. 04-CV-70347-DT

JAMAL ADAMS and STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY,

Defendants,

and

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Third-Party Plaintiff,

v.

HERMAN DIAZ,

Third-Party Defendant.

and

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Counter-Claimant,

v.

J.B. HUNT,

Counter-Defendant,

and

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Third-Party Plaintiff,
v.

BLUE CARE NETWORK OF MICHIGAN,

Third-Party Defendant.

ORDER GRANTING IN PART, DENYING IN PART, STATE FARM'S MOTION TO COMPEL AND HOLDING STATE FARM'S MOTION FOR COSTS IN ABEYANCE

On February 14, 2007, the court conducted a telephonic hearing on State Farm Mutual Automobile Insurance Company's ("State Farm's") January 22, 2007 motion to compel. During the hearing, the court ruled that the motion would be granted in part and denied in part. Specifically, for the reasons stated on the record, it is granted pursuant to J.B. Hunt Transport, Inc.'s ("J.B. Hunt's") agreement to produce Herman Diaz's deposition in response to State Farm's Request for Production Number 12. The deposition shall be produced by **February 21, 2007**. It is denied in all other respects. Additionally, as discussed on the record, the court will withhold ruling on State Farm's December 21, 2006 motion for costs to allow the parties time to narrow the issues. As the court expressed on the record, the court is strongly inclined to find that at least some costs are warranted. The court encourages counsel to attempt to resolve, or at least narrow, this matter by stipulation.¹ Accordingly,

IT IS ORDERED that State Farm's motion to compel [Dkt. # 85] is GRANTED IN PART and DENIED IN PART, as further explained on the record.

¹At the very minimum, counsel should be able to agree on the correct mathematical computation of the proposed hours and fees expended, even if they cannot agree on whether those hours and fees are reasonable.

IT IS ALSO ORDERED that State Farm's motion for costs [Dkt. # 82] is HELD IN ABEYANCE until **March 16, 2007**. Counsel are DIRECTED to engage in good faith negotiations to resolve or narrow the issues raised in the motion for costs and to file a stipulation by **March 16, 2007** stating either (1) after good faith negotiations, no agreement could be reached on any issues or (2) after good faith negotiations, the parties have resolved, or narrowed, the motion. If the former, the court will consider and resolve the December 21, 2006 motion. If the latter, the court expects that the motion will be either withdrawn by stipulation or that the parties specifically detail what issues remain for the court to resolve.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 20, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 20, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522